

**Village Council
Monday,
November 1, 2010
7:00 PM**

Minutes

Call to Order: Mrs. Rush-Ekelberry called the meeting to order at 7pm.

Pledge of Allegiance: Mrs. Turner led the Pledge of Allegiance.

Roll Call:

John Bender	Rick Deeds	Steve Donahue	Bobbie Mershon
Marilyn Rush-Ekelberry		Leah Turner	James Wynkoop

Approval of Minutes:

Dr. Bender moved to approve the minutes from the October 18th, 2010 council meeting; seconded by Mrs. Mershon.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon,
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Mr. Donahue abstained. Motion passed.

Communications & Petitions:

A notice of Appeal of the Planning and Zoning Commission decision of Wendell Collier was received regarding the variance and preservation area application for 180 W. Waterloo Street. This is currently scheduled for Public Hearing on November 15th at 6:30pm.

A notice of Appeal of the Planning and Zoning Commission decision of the Variance VA-10-07 was received from Columbus Street property owners Michael Stobart and John & Kim Stedman for 45 East Waterloo Street.

A notice of Appeal of the Planning and Zoning Commission decision of October 20, 2010 was received regarding the variance and preservation area application by John Bakitis for 79 N. Trine Street.

A notice was received by the Agent that an Expedited Type 2 Annexation petition has been filed with the Board of the Fairfield County Commissioners for the annexation of 47.146 acres from Violet Township to the City of Pickerington. The Village of Canal Winchester owns an adjoining parcel at the northwest corner of the intersection of Diley and Busey Roads.

A petition was filed against the NRP Development containing 68 signatures, of which 51 were residents.

A copy of a communication from Andrew Dutton, zoning officer, regarding ZA 10-02 and the development plan PDP 10-01 and a copy of the notice that was sent to adjoining property owners regarding decisions being made this evening was included in the packet.

Village Residents Comments:

Five-minute limit per person

Paul Willett, of 6691 Lakeview Circle, stated that he is against changing from residential to commercial for this proposed senior housing project. Marsha Colberg, sales associate in Charleston Lakes, just lost a sale because they learned of the possibility of putting this senior housing in right beside their property. He is a 16 year resident and has seen the growth. He submitted a petition that included signatures from the owners of the Village Wine shop.

Don Corbett, of 6778 Lakeview Circle, stated that not one person has stated that they want this development. There are at least 100 names on the petition with telephone numbers and addresses. The Village has 22 commercial properties for sale in the Village. Of those, a great number are already zoned for such a place like the proposed project. There are a lot of places that would like to have this project. This change would be extremely arbitrary and inappropriate. It would be an illegal spot zoning. No one wants this project. We already have 3-4 senior housing developments in the Village. We have never been presented with a comprehensive master development plan. He has worked all his life as a police officer in private and public industry. Our taxes will go to large corporations for their tax breaks. The people who have no money will have a low cost option for housing, but the middle class people who have worked their whole lives aren't getting any breaks. Most importantly, he is asking that any council person that represents the residents, not vote if they have accepted any campaign money from Mr. Bob Wood. He is part owner of the property in question tonight. Mr. Corbett cannot state there is corruption, but he has his concerns.

The principal elements of spot zoning are present when politicians forget the people who elect them and pay their salaries and PERS pensions but vote for an individual to gain wealth. Some of the elements that are present are isolation, reverse usage, incompatibility, health, safety and welfare. The size of the parcel is too large. This is a way for the Village to make money for an individual. We are Canal Winchester. We don't want to become the run down ghetto like those beginning to surround us.

Kim Holland, of 6760 Lakeview Circle, is a Columbus Police Dispatcher and has questions regarding their other two properties in Columbus. Canterbury Way and Barnett Place are in the area of Livingston/ Barnett and Main / Weyant. Within the last 6 months they have had 3 homicides. Why do we only hear about the Pershing House and not these developments? Why is he in such a hurry now to sell it? He has had the property for several years. He is just trying to get out of paying property taxes on it. They assume that the residents will be 75 and older, but that is not true. Anyone can move into there. CMH will give the residents money if they qualify. Across 33 is a lot of Section 8 housing. They look nice, but what's inside it is not nice. There are many problems over there and they will head across the freeway. She is a third shift dispatcher, and she runs that the Sgt reports for the month in the Village, she can dispatch in one 3 hour segment of her night working the area out this way. Crime is coming this way and by allowing low income to come into the Village, crime will follow.

John Lewis, of 6516 Lakeview Circle and President of the Charleston Lakes homeowners association, stated that it was a waste of time going to the Planning and Zoning meeting last week. Mr. Knowlton discussed 1950's zoning code and told a resident to go sit in Old Charley's parking lot to

see how they would like it. He stated that he would rather live next to someone's grandmother than a restaurant. So Mr. Lewis proposes to build it next to his home instead of theirs. There was no discussion of current zoning laws or requirements at the meeting. He was very disappointed. The developer added some trees, roofline and foundation and somehow convinced zoning that everything would be okay.

He wanted to apologize to Council if the fact that they met with the Developers sent mixed signals. They were blind-sided by the request for re-zoning and were never in favor of it. They thought the ordinance being tabled was the end of it. Mr. Gorsuch told Mr. Lewis in July that they would be looking for another property because they couldn't make a profit with a two-story building. Two months later, Mr. Lewis got a phone call with the new plan. They didn't offer to discuss their feelings and issues. The plan doesn't meet zoning code for square footage, density or parking. This is still a rental complex being built next to high-end condominiums. There is still no on-site property management to talk to when problems arise. The residents have made it clear that we don't want it in our community. Council has said that only about 20 residents are against it, because that is how many are showing up. Many residents have to ride a scooter to go get their mail. We can't hold it against them that they can't climb the stairs to Town Hall to protest. He presented 15 emails from people who couldn't be here. Two petitions have been presented. The residents have spoken and want Council to vote no.

Mary Lynn Bardos, of 6844 Lakeview Circle, moved here 33 years ago and has seen the changes in the Village over the years. She lives on the lot line and this will be their neighbors. She acknowledges that changes have been made, but they still don't know what they will get if it is rezoned. If the rezoning is complete and then they don't get the State funding, who would come in then to develop? They don't believe that changing the zoning would be correct or good for the community at this time. Please take this under consideration and vote against the change.

Reuben Peterson, of 6655 Lakeview Circle, completely supports everything that he has been hearing, but his concerns run deeper. The development was done and the drawings made for Charleston Lakes and many things were not done. What if that happens with this project too? All these promises and pretty pictures were presented, but the people with the authority to put it into practice weren't there. Is the same thing going to happen here? Whatever you do with this project or any other project to be built on that piece of property, there has got to be some better control to hold them to the original designs and promises. If approved, he will watch every move the developer makes to make sure that the project doesn't become unacceptable. Experience shows that once something like this is approved; there is still an awful lot left that can change. What is ahead of us really scares him.

ORDINANCES:

THIRD READING

Sponsor: Mrs. Rush-Ekelberry

O-10-10A AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT FOR PROSECUTION OF CRIMINAL CASES IN THE FRANKLIN COUNTY MUNICIPAL COURT AND CERTAIN CIVIL DIVISION CASES FOR THE CALENDAR YEAR 2011 WITH THE CITY OF COLUMBUS ATTORNEYS OFFICE.

Mrs. Rush-Ekelberry read the ordinance and moved to adopt Ordinance 42-10; seconded by Mrs. Mershon.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon, Mr. Donahue
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed.

Sponsor: Dr. Bender

O-10-10B AN ORDINANCE TO AUTHORIZE THE MAYOR TO PAY TO DAVE C MCCARTY LONGEVITY PAY UPON HIS RETIREMENT WITH 30 YEARS SERVICE TO THE VILLAGE.

Dr. Bender read the ordinance and moved to adopt Ordinance 43-10; seconded by Mrs. Turner.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon, Mr. Donahue
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed.

Sponsor: Mr. Deeds

O-10-10C AN ORDINANCE TO AMEND THE 2010 APPROPRIATION ORDINANCE 61-09
Amendment #4

Mr. Deeds read the ordinance and moved to adopt Ordinance 44-10; seconded by Mrs. Mershon.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon, Mr. Donahue
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed.

Sponsor: Mrs. Rush-Ekelberry **(Postponed Indefinitely at Third Reading) Remanded to P & Z**

O-10-05F AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE VILLAGE OF CANAL WINCHESTER, REZONING 1.9 ACRES FROM GENERAL COMMERCIAL (GC) TO PLANNED RESIDENTIAL DISTRICT (PRD), OWNED BY WATERLOO CROSSING LIMITED, LOCATED ON THE SOUTHWEST SIDE OF WEST WATERLOO STREET, APPROXIMATELY 100 FEET WEST OF WINCHESTER CEMETERY ROAD

Mrs. Rush-Ekelberry made a motion to move this ordinance from the table; seconded by Mr. Donahue.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon, Mr. Donahue
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed.

Mr. Deeds moved to amend ordinance O-10-05F to state a 2.3 acre parcel; seconded by Mrs. Mershon.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon, Mr. Donahue
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed.

Andrew Dutton, zoning officer, gave a presentation. He stated that ZA 10-02 and PDP 10-01 is for 2.3 acres on West Waterloo Street from General Commercial to Planned Residential. On April 12th it went to Planning and Zoning and was forwarded to Council with the recommendation of denial. May 24th and June 7th, Council heard the public hearings and on June 21st it was tabled by Council at the applicants request. It was picked up again on October 4th for third reading. Due to significant changes, it was remanded back to Planning & Zoning. They met on October 20th and due to the changes made, P&Z recommended that the project be approved. The original application was shown and compared to the new plans. Some of the changes are as follows- Extra screening was added to the parking area. It was taken from 3 stories to 2 stories. Unit size is 1 bedroom is 650 sq feet and two bedrooms are 925 sq. feet. 50 parking spaces are available for 50 units.

Mrs. Mershon asked about the possibility of this development not getting the tax subsidy and we have already changed the zoning to residential. Mr. Dutton stated that any other development would have to go back to council for approval unless it was basically the exact same project as the one currently proposed. Anything other than senior housing can't go there, if it is rezoned.

Dr. Bender wanted Mr. Dutton to speak to the issue of developers not following through on their commitments. Mr. Dutton stated that there are many meetings and inspections throughout the process and if things are not as they are supposed to be, it will not be approved.

Mrs. Turner asked who would people contact to tackle complaints and problems with the building if there is no one on sight. It is a question that needs to be directed to the applicant.

Mr. Deeds asked about the fact that once a resident is qualified and moves in, can anyone else come move in with them.

Mr. Donahue asked about the standards for square footage and Mr. Dutton confirmed that they do not meet the standards. A multi-family standard for a one bedroom is 1000 sq feet and theirs is 650. Two-bedroom standard is 1225 sq feet and theirs is 925.

Chris Collins, of Fairfield Homes, stated that the phones would be rerouted after hours to the Deputies, who could then contact the property owner. The property owner would take care of maintenance issues. There would be secure access to the building. This project is tax credits only, not HUD property. She stated that there are other projects that they manage, but they are HUD and that is totally different scenario.

Mrs. Mershon asked how they can be sure that no one under 55 will live there. Ms. Collins stated that the resident must fill out an application. Mrs. Mershon asked how you can control a young grandson moving in with Grandma. It was stated that the management is taught how to notice that and she believes that the residents will tell on each other. If they are found out of compliance, they can lose their tax credits.

When the issue was tabled on June 21st to have better relations with the community, there was only one meeting held with the residents and developers; that fact seemed to be disputed by some of the Charleston Lakes residents. Further discussion ensued.

Mrs. Mershon asked Mr. Hollins what constitutes spot zoning and is it applicable to this situation. Mr. Hollins stated that whichever way the Council should vote, he feels comfortable that they are within the range of what is legally defensible. Spot zoning is often a label which is attached when you don't have a comprehensive plan, which we do. This would not be completely divorced from its surroundings. It is up to council to decide what the best transitional use would be for this property. It is not truly a legal issue; it is a public policy issue.

Mrs. Rush-Ekelberry read the ordinance and moved to adopt Ordinance 45-10; seconded by Dr. Bender.

VOTE: **AYES** Dr. Bender, Mrs. Mershon, Mrs. Rush-Ekelberry,

NAYS Mrs. Turner, Mr. Deeds, Mr. Donahue, Mr. Wynkoop

Motion denied.

Sponsor: Dr. Bender

Dr. Bender read the ordinance; first reading only.

Nothing new to report.

Sgt. Kern read his monthly report and noted that we have a new Deputy.

Mr. Hollins suggested that Council has the right to remand the application of Mr. Collier to Planning and Zoning, since it has changed from a 2 car carport to a 1 car carport.

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon, Mr. Donahue
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed.

Finance Director:

Public Works Director:

Development Director:

Mrs. Turner asked Mr. Strayer about his meetings with site consultants in Florida last week.

The annual Veterans Day display went up today and increased from 32 photos last year to 45 photos. Tickets for Breakfast with Santa will go on sale this week.

Old Town Committee

Monday, November 8, 2010 at 5:45 PM

Finance Committee

Monday, December 6, 2010 at 5:45 PM

Service Committee

Monday, November 15, 2010 at 5:45 PM

Safety Committee

Wednesday, November 3, 2010 at 9:00 AM – 36 S High St – LLCR

- November meeting has been cancelled for lack of business
- Next meeting will be December 8th at 9:00am

Monday, November 29, 2010 at 6:30 PM

Monday, November 15, 2010 at 6:30 PM – Collier appeal

- Cancelled due to the issue being remanded to P&Z

CW Joint Recreation District Representative

- Mrs. Mershon urged everyone to vote for Issues 2&3 to bring a park to the Village.

CW Human Services Representative

- 7pm meeting tomorrow to discuss emergency assistance to families.

Main Street Canal Winchester Representative

Canal Winchester Industry & Commerce Corporation Representative

- Meeting was held last week and will be another meeting next month.

Old/New Business:

Scheduled Public Hearings:

- NRP/Wagenbrenner Development – 45 East Waterloo – December 6 @ 6:30pm
- Bakitis – 79 N Trine Street – December 20 @ 6:30pm

Mr. Deeds thanked the members of Planning and Zoning for their work on the Fairfield Homes project.

Adjourn to Executive Session:

Not needed at this time.

Adjournment:

Mr. Donahue moved to adjourn the meeting; seconded by Mr. Wynkoop

VOTE: **AYES** Dr. Bender, Mr. Wynkoop, Mrs. Mershon
Mrs. Rush-Ekelberry, Mrs. Turner, Mr. Deeds

NAYS

Motion passed. Time out 8:20pm

Clerk of Council

President of Council

Date _____

Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.